

BEFORE THE BOARD OF PUBLIC EDUCATION  
OF THE STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING
proposed amendment of ARM	)	ON PROPOSED AMENDMENT
10.55.1003, 10.57.107,	)	AND TRANSFER
10.57.110, 10.57.201,	)	
10.57.201A, 10.57.215,	)	
10.57.220, 10.57.411,	)	
10.57.418, 10.57.419,	)	
10.57.431, 10.57.432,	)	
10.57.436, 10.57.604, and	)	
10.57.611 relating to	)	
accreditation and educator	)	
licensure and the transfer of	)	
ARM 10.57.113 relating to	)	
substitute teachers	)	

TO: All Concerned Persons

1. On February 25, 2003 at 9:00 a.m. a public hearing will be held at the Office of the Commissioner of Higher Education, Room 142, 2500 Broadway, Helena, Montana, to consider the amendment and transfer of rules relating to accreditation, educator licensure and substitute teachers.

2. The Board of Public Education will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Public Education no later than 5:00 p.m. on February 11, 2003 to advise us of the nature of the accommodation that you need. Please contact Steve Meloy, P.O. Box 200601, Helena, MT 59620-0601, telephone: (406) 444-6576, FAX: (406) 444-0847, e-mail: smeloy@bpe.montana.edu.

3. Statement of Reasonable Necessity: The Board of Public Education has determined that it is reasonable and necessary to amend ARM 10.55.1003 to provide clear guidance on what is considered "best practice" regarding teacher preparation for elementary teachers and for a basic elementary education program.

The amendments to the remaining rules are to correct errors, for clarification and consistency and to further the intent of the Board in adopting the recent changes to accreditation and educator licensing rules.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

10.55.1003 PROGRAM FOUNDATION STANDARDS (1) through (1)(a)(i) remain the same.

(ii) provide effective health enhancement instruction to all grades and provide such instruction on a daily basis as part of the basic elementary education program;

(ii) through (vi) remain the same but are renumbered (iii) through (vii).

(b) through (c)(i) remain the same.

(ii) qualified staff necessary to support the instructional process, including elementary teachers (00 endorsement) with at least 10 semester credits in assigned subject areas when teaching departmentalized grades 5-8;

(iii) through (vi) remain the same.

AUTH: Sec. 20-2-114, MCA

IMP: Sec. 20-2-121, 20-3-106, 20-7-101, MCA

#### 10.57.107 EMERGENCY AUTHORIZATION OF EMPLOYMENT

(1) through (1)(c) remain the same.

(i) shall have previously held a valid teacher or specialist license; ~~or~~

(ii) shall hold a bachelor's degree related to the area for which the emergency authorization of employment is being sought; ~~or~~

(iii) shall provide acceptable evidence of cultural expertise related to the area for which the emergency authorization of employment is being sought.

(d) and (2) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-111, MCA

#### 10.57.110 AREA OF PERMISSIVE SPECIALIZED COMPETENCY

(1) A holder of a Montana teaching license may apply for a statement of specialized competency to appear on the license. A license holder may qualify for a statement of specialized competency by the completion of a minimum of 20 semester college credit hours or equivalency in a specific academic area as approved by the board of public education. Accredited areas of permissive ~~special~~ specialized competency are early childhood education and gifted and talented education.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, MCA

#### 10.57.201 GENERAL PROVISIONS TO ISSUE LICENSES

(1) and (2) remain the same.

(a) individuals who have ~~held, within the last five years,~~ a current professional - not provisional or alternative - teacher, specialist, or administrator license from another state in an area that can be licensed in Montana. This section applies only to individuals who have completed an applicable accredited professional educator preparation program in an area that can be licensed in Montana; and

(b) through (3) remain the same.

AUTH: Sec. 20-4-102, MCA  
IMP: Sec. 20-4-103, MCA

10.57.201A CRIMINAL HISTORY BACKGROUND CHECK (1) and (2) remain the same.

- (a) "authorized agency" means the Montana ~~department of justice~~ office of public instruction;  
(b) through (11) remain the same.

AUTH: Sec. 20-4-102, MCA  
IMP: Sec. 20-4-103, 20-4-104, MCA

10.57.215 RENEWAL REQUIREMENTS (1) Sixty units of renewal activities are required for renewal of class 1, 3, and 7 licenses. Sixty units of renewal activities are also required for renewal of class 2 licenses, 40 of which must be earned through college credit. Four graduate semester credits or equivalent renewal units are required for renewal of class 6 licenses. All renewal units must be earned during the valid term of the license.

- (2) through (2)(d) remain the same.

(e) the completion of the assessment process for national board licensure, or renewal of national board licensure through ~~the standards of~~ the national board for professional teaching standards. Verification of completion of the national board assessment shall result in 60 renewal units. Renewal units earned may apply to renewal of an expiring license. Class 2 license holders may use national board renewal units in lieu of college course credits as required in (1). This process may also be used in lieu of any credits required to reinstate a lapsed license.

(3) ~~Unless limited by restrictions in (4),~~ participation in renewal activities ~~are~~ is equivalent to the following renewal units:

- (a) one renewal unit = one hour of attendance at a workshop;  
(b) through (6) remain the same.

AUTH: Sec. 20-2-121, 20-4-102, MCA  
IMP: Sec. 20-4-102, 20-4-108, MCA

10.57.220 RECENCY OF CREDIT (1) An applicant for initial class 1, 2, or 3 ~~or 6~~ licensure whose degree is more than five years old and who does not have current out-of-state licensure must have earned eight semester credits within the five-year period preceding the effective date of the license.

(2) An applicant for an initial class 6 license whose degree is more than five years old and who does not have current out-of-state licensure must have earned eight graduate semester credits within the five-year period preceding the effective date of the license.

AUTH: Sec. 20-4-102, 20-4-103, MCA  
IMP: Sec. 20-4-102, 20-4-103, 20-4-106, MCA

10.57.411 CLASS 1 PROFESSIONAL TEACHER'S LICENSE

(1) and (2) remain the same.

(a) a master's degree or one year of study consisting of at least 30 graduate semester credits beyond the bachelor's degree in professional education or an endorsable teaching area(s) from an accredited college or university; and

(b) through (5) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.418 CLASS 3 ADMINISTRATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) remains the same.

(a) of successful completion, at an accredited ~~institution of higher learning college or university~~, of a master's degree in the area requested for endorsement;

(b) through (e) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.419 CLASS 3 ADMINISTRATIVE LICENSE - SPECIAL EDUCATION SUPERVISOR ENDORSEMENT (1) remains the same.

(a) successful completion, at an accredited ~~institution of higher learning college or university~~, of a master's degree in special education or a master's degree in a special education related services, field, i.e., of school psychologist, speech-language pathologist, audiologist, physical therapist, occupational therapist, registered nurse, clinical social worker, or clinical professional counselor;

(b) through (e) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.431 CLASS 5 ALTERNATIVE LICENSE - SUPERVISOR ENDORSEMENT (1) remains the same.

(a) a master's degree from an accredited college or university in the area requested for supervisory endorsement; and

(b) verification of three years of appropriately licensed experience as a teacher in the area requested for supervisory endorsement or verification of five years of experience in a school setting as a fully licensed and appropriately assigned related services provider.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.432 CLASS 5 ALTERNATIVE LICENSE - SPECIALIST ENDORSEMENT (1) through (1)(c) remain the same.

(2) To obtain a class 5 ~~provisional~~ alternative license with a specialist endorsement in school counseling an applicant must provide verification of:

(a) and (b) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-106, 20-4-108, MCA

10.57.436 CLASS 7 AMERICAN INDIAN LANGUAGE AND CULTURE SPECIALIST (1) ~~Term: 5 years -- renewable.~~ A class 7 American Indian language and culture specialist license shall be valid for a period of five years.

(2) ~~Basic qualification:~~ The office superintendent of public instruction shall issue a class 7 certificate license based upon verification by the American Indian tribe for which the language and culture certification licensure is desired that the individual has met tribal standards for competency and fluency as a requisite for teaching that language and culture. Candidates for class 7 certification licensure must meet all non-academic requirements for certification licensure in Montana.

(3) ~~Qualification criteria:~~ The board will accept and place on file the criteria developed by each tribe for qualifying an individual as competent to be a specialist in its language and culture.

(4) ~~Renewal:~~ Sixty units of renewal activities authorized and verified by the tribe will be required for renewal of a class 7 certificate license.

(5) ~~Responsibilities:~~ A school district may assign an individual certified licensed under this rule to only, specialist services within the field of American Indian language and culture under such supervision as the district may deem appropriate. No teaching certificate license or endorsement is required for duties within this prescribed field.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-103, 20-4-106, MCA

10.57.604 POST HEARING PROCEDURE (1) remains the same.

(a) adopt findings of fact, conclusions of law and an order issuing a letter of reprimand or suspending or revoking the teacher, specialist or administrator license; or

(b) and (2) remain the same.

AUTH: Sec. 20-2-121, 20-4-102, MCA

IMP: Sec. 20-4-102, 20-4-110, MCA

10.57.611 SUBSTANTIAL AND MATERIAL NON-PERFORMANCE

(1) A certified licensed staff member commits a violation of 20-4-110, MCA, if, after signing a binding contract of employment with a Montana school district, the certified licensed staff member substantially and materially breaches such contract without good cause.

(2) remains the same.

(a) substantial hardship to the ~~certified~~ licensed staff member's family due to a change in employment of the spouse of the ~~certified~~ licensed staff member that necessitates a move;

(b) illness of a family member of the ~~certified~~ licensed staff member that necessitates a move for purposes of providing for, caring for, or tending to the ill family member; or

(c) remains the same.

(3) ~~Certified~~ Licensed staff members violating 20-4-110(1)(g), MCA shall be penalized according to the following guidelines:

(a) a first violation committed not more than 30 calendar days prior to the beginning of the school year may result in a sanction not to exceed placement of a letter of reprimand in the ~~certified~~ licensed staff member's public record ~~certification~~ licensure file;

(b) a first violation committed on or after school starts shall result in a sanction ranging from placement of a letter of reprimand in the ~~certified~~ licensed staff member's public record ~~certification~~ licensure file to temporary suspension of the ~~certified~~ licensed staff member's ~~certificate~~ license for not more than 30 days; and

(c) a second or subsequent violation shall result in a sanction ranging from a temporary suspension of the ~~certified~~ licensed staff member's ~~certificate~~ license to revocation of the ~~certificate~~ license.

(4) remains the same.

(a) the length of prior notice, if any, provided to the employing board by the ~~certified~~ licensed staff member;

(b) the arrangements made and resources provided by the ~~certified~~ licensed staff member to ensure continuing instruction to pupils;

(c) remains the same.

(d) the impact of the ~~certified~~ licensed staff member's breach of contract on the district's compliance with accreditation standards; and

(e) other hardships suffered by the employing district as a result of the ~~certified~~ licensed staff member's breach of contract.

(5) This rule provides guidelines only and shall not be construed to either require or to prohibit the board from exercising its discretion in overseeing discipline of ~~certificate~~ license holders.

AUTH: Sec. 20-2-114, 20-2-121, MCA

IMP: Sec. 20-2-121, 20-4-110, MCA

5. The rule proposed to be amended and transferred to Chapter 55, Sub-chapter 7 provides as follows, stricken matter interlined, new matter underlined:

10.57.113 (10.55.716) SUBSTITUTE TEACHERS (1) and (1)(a) remain the same.

(b) If the absence of the regular, licensed or

authorized teacher continues for more than 35 consecutive teaching days, the substitute may be placed under contract if licensed or the board of trustees shall place a licensed teacher under contract. If the board of trustees makes a written declaration to the superintendent of public instruction that no licensed teacher is available, the district shall pursue the employment of a teacher authorized under the provisions of ARM ~~10.57.707~~ 10.57.107.

(2) through (5) remain the same.

AUTH: Sec. 20-4-102, MCA

IMP: Sec. 20-4-102, MCA

6. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted by mail to the Board of Public Education, P.O. Box 200601, Helena, Montana 59620-0601, or by e-mail to smeloy@bpe.montana.edu and must be received no later than 5:00 p.m. on February 27, 2003.

7. Steve Meloy has been designated to preside over and conduct the hearing.

8. The Board of Public Education maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding accreditation, educator licensure and substitute teachers or other Board of Public Education related rulemaking actions. Such written request may be mailed or delivered to Steve Meloy, P.O. Box 200601, Helena, Montana 59620-0601, faxed to the office at (406) 444-0847, or may be made by completing a request form at any rules hearing held by the Board of Public Education.

9. The bill sponsor requirements of 2-4-302, MCA, do not apply. The requirements of 20-1-501, MCA, have been fulfilled. Copies of these rules have been sent to all tribal governments in Montana.

/s/ Dr. Kirk Miller  
Dr. Kirk Miller  
Chairperson  
Board of Public Education

/s/ Steve Meloy  
Steve Meloy  
Rule Reviewer  
Board of Public Education

Certified to the Secretary of State January 17, 2003.